

RESOLUTION NO. 020 -20

COUNTY COUNCIL

OF

HARFORD COUNTY, MARYLAND

Resolution No. 020-20

Legislative Session Day: 20-025

Introduced by Council Member Shrodes

A RESOLUTION by the County Council waiving the 5 year waiting period in Local Government Article, Section 4-416, of the Annotated Code of Maryland, in order to permit property of approximately 80 acres annexed by the City of Aberdeen which is currently zoned Harford County's AG (Agricultural District) zoning classification to be zoned under the City of Aberdeen's Integrated Business District zoning classification.

RESOLUTION NO. 020-20

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WHEREAS, The City of Aberdeen on March 11, 2019 passed Resolution 18-R-06, which became effective on October 11, 2019 authorizing the annexation of property known as the Siebert Farm and Adams Property, consisting of 80 acres of land, more or less, located along Gilbert Road as more fully identified on the attached Exhibit A; and

WHEREAS, The Property is currently designated as AG (Agricultural District) under the county zoning classifications; and

WHEREAS, The City of Aberdeen’s Resolution authorizing the annexation rezoned the Property to the City’s Integrated Business District zoning classification; and

WHEREAS, The Land Use Article, Section 4-204, of the Annotated Code of Maryland generally requires specific findings of fact in order to justify a rezoning of property, particularly finding that there has been either a substantial change in the character of the neighborhood where the property is located since the last comprehensive zoning or a mistake in the existing zoning classification of the property; and

WHEREAS, The Local Government Article, Section 4-416, of the Annotated Code of Maryland, prohibits for a period of 5 years from the date of annexation, a municipality from allowing the development of the annexed property for land uses substantially different than the authorized use or at a substantially higher density, not exceeding 50%, than can be permitted in accordance with the Agricultural zoning which was applicable at the time the property was annexed without the express approval of the County Council; and

WHEREAS, The City of Aberdeen’s Integrated Business District zoning classification may

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1 allow land uses which are substantially different from the use of land specified under the Agricultural
2 (AG) designation within the Harford County Master Land Use Plan (Harford Next) and the
3 Agricultural zoning classification which the Property had immediately prior to the annexation; and

4 WHEREAS, The City of Aberdeen has indicated its support for the Harford County Council
5 to waive the 5 year waiting period under Section 4-416 of the Local Government Article of the
6 Annotated Code of Maryland, as indicated in the attached Exhibit B.

7 NOW, THEREFORE, BE IT RESOLVED by the Harford County Council that the rezoning
8 of the Property of approximately 80 acres, more or less, which is the subject of the City of
9 Aberdeen's Annexation Resolution No. 18-R-06, to the City of Aberdeen's Integrated Business
10 District zoning classification and the development uses contained therein, is expressly approved by
11 the County Council for Harford County, as permitted under the Local Government Article,
12 §4-416(c), of the Annotated Code of Maryland;

13 AND BE IT FURTHER RESOLVED, That copies of this Resolution be sent to the City of
14 Aberdeen.

ATTEST:

Mylia A. Dixon
Council Administrator

Patrick S. Vincenti
Council President

Date Adopted:

**COUNCIL OF THE CITY OF ABERDEEN
RESOLUTION NO. 18-R-06**

Date Introduced:	December 10, 2018
Sponsored By:	Councilwoman Sandra J. Landbeck and Councilman Steven E. Goodin
Public Hearing:	January 14, 2019
Amendments Adopted:	None
Postponed Definitely:	February 11, 2019
Reconsider Postpone Definitely:	February 25, 2019
Date Adopted:	March 11, 2019
Date Effective:	October 11, 2019

RESOLUTION NO. 18-R-06

**ANNEXATION PLAN
SIEBERT FARM AND ADAMS PROPERTY**

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6 **A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF ABERDEEN,**
7 **MARYLAND, TO APPROVE THE ANNEXATION PLAN FOR THE AREA**
8 **PROPOSED TO BE ANNEXED AND KNOWN AS THE SIEBERT FARM AND**
9 **ADAMS PROPERTY (the "Annexation Plan")**

10
11 A Resolution of the City of Aberdeen, adopted pursuant to the authority of Article
12 XI-E of the Constitution of Maryland and Section 4-415 of the Local Government Article
13 of the Annotated Code of Maryland, to adopt an Annexation Plan for the area proposed to
14 be annexed known as the Siebert Farm and Adams Property containing 80 acres of land,
15 more or less, containing Parcel A and Parcel B in its entirety. Parcel A (Siebert Farm) is
16 located on Harford County Tax Map 51 as Parcel 99, 858 Gilbert Road, the property
17 containing 41.390 acres of land, more or less, as described by Deed dated November 6,
18 2015 from Helen Siebert Germeroth, Personal Representative of the Estate of Frederick
19 William Siebert Jr., unto Helen Siebert Germeroth and recorded among the Land Records
20 of Harford County, Maryland at Liber J.J.R. No. 11568, folio 435. Parcel B (Adams
21 Property) is located on Harford County Tax Map 51 as Parcel 250, 830 Gilbert Road, the
22 property containing 38.93 acres of land, more or less, as described by Substitute Trustee's
23 Deed dated June 20, 2014 from Bradley J. Swallow, Substitute Trustee, unto Novo
24 Realty, LLC and recorded among the Land Records of Harford County, Maryland at



1 Liber J.J.R. No. 10803, folio 466. The Siebert Farm and the Adams Property are
2 collectively referred to as the "Property". The Petition for Annexation was accepted by
3 the City Clerk of the City of Aberdeen, on or about September 24, 2018 (the "Petition")
4 and the exhibit plat entitled "Plat to Accompany Description of Land to be Annexed by
5 the City of Aberdeen" accompanied the Petition dated 07/21/18, prepared by Morris &
6 Ritchie Associates, Inc. is attached hereto and incorporated by reference herein.

7 **WHEREAS**, the Petitioners Helen Siebert Germeroth, Novo Realty, LLC,
8 Bosworth Properties, Inc., Sage Custom Homes, LLC and Sage Gilbert LLC, hereinafter
9 collectively the "Petitioner," is requesting that the Property be zoned Integrated Business
10 District (IBD) as provided for in the Code of the City of Aberdeen, Chapter 235
11 Development Code; and

12 **WHEREAS**, pursuant to Section 4-415 of the Local Government Article of the
13 Annotated Code of Maryland (as amended from time to time), in addition to, but not as
14 part of the Annexation Resolution, the legislative body of the municipal corporation shall
15 adopt an Annexation Plan for the area proposed to be annexed; and

16 **WHEREAS**, the Annexation Plan shall be open to public review and discussion
17 at the public hearing; and

18 **WHEREAS**, a copy of the Annexation Plan shall be provided to the Harford
19 County Department of Planning and Zoning and to the Maryland Department of
20 Planning, and any regional and State planning agencies having jurisdictions within the
21 county at least 30 days prior to the holding of the public hearing required by Section 4-
22 415 and Section 4-406.

23 **Section 1. NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and City
24 Council of the City of Aberdeen that the Siebert Farm and Adams Property Annexation
25 Plan is hereby adopted as follows:

26 (a) Land Use Pattern. The description of land use pattern existing and proposed
27 for the area to be annexed, which includes the Harford County Master Plan
28 already in effect for the area, is as follows:

29 (i) The Property is intended to be developed pursuant to the Integrated
30 Business District (IBD), Section 235-18 K of the Code of the City of

1 Aberdeen. The purpose of the Integrated Business District (IBD) is to
2 provide residential, recreational, educational, retail, entertainment, and
3 other commercial uses in an aesthetically pleasing and functionally
4 compatible manner, to complement existing residential areas, to blend
5 development with the environmental characteristics of the land, and to
6 facilitate the efficient delivery and use of public services. The object is
7 to use site plan and architectural guidelines to promote land use
8 flexibility and design creativity, to create comfortable and harmonious
9 development that appeals to people living, working, shopping, and
10 socializing within the IBD. The IBD will seek to maintain a common
11 theme and character through the use of specific zoning regulations,
12 design requirements, and architectural review procedures established
13 to encourage flexibility in land planning and generally to align the
14 design, character, and quality of mixed uses. The IBD area west of the
15 I-95 interchange will encourage mixed-use development consistent
16 with the degree and intensity of Ripken Stadium and University Center
17 architectural and design standards known already to attract social
18 interchange through commercial, educational, entertainment, and
19 recreational activity.

20 (ii) The Property's zoning designation as set forth in the Harford County
21 Development Regulations is Agricultural (AG) and its land use
22 designation in the Harford County Master Land Use Plan is
23 Agricultural (AG).

24 (iii) Residential, commercial, and institutional uses are the primary land
25 uses permitted under the Integrated Business District.

26 (b) School, libraries, and recreation. Public schools, libraries, and recreation
27 facilities will be impacted by the proposed development of the Property. The
28 Property is served by the following schools: Bakersfield Elementary School
29 (State Rated Capacity: 500; Enrollment: 407; Utilization Percentage: 81%),
30 Aberdeen Middle School (State Rated Capacity: 1444; Enrollment: 1133;

1 Utilization Percentage: 78%), and Aberdeen High School (State Rated
2 Capacity: 1679; Enrollment: 1470; Utilization Percentage: 88%). The
3 Property is also served by the Harford County Library Branch in Aberdeen.
4 The development of the Property must comply with the City of Aberdeen's
5 Adequate Public Facilities Ordinance (APFO) and Harford County's APFO.

6 (c) Fire, Police, and Emergency Medical Services. The Property will be served
7 by the City of Aberdeen Police and Fire Departments, and Emergency
8 Medical Services, as well as Level Volunteer Fire Department.

9 (d) Water and Sewer Facilities. It is anticipated that the Property will be served
10 with public water and sewer from the City of Aberdeen. The development of
11 the Property must comply with the City of Aberdeen's Adequate Public
12 Facilities Ordinance. The developer and/or owner of the Property will extend
13 the required public utilities at their expense. The owner/developer of the
14 Property will connect to existing public water lines as approved by the City of
15 Aberdeen Director of Public Works. The construction of the new water and
16 sewer lines on the Property shall be approved by the Director of Public
17 Works. The schedule for extending utility services to the Property shall be
18 approved by the City of Aberdeen Director of Public Works.

19 (e) Roads. The owner/developer of the Property shall, at its own expense,
20 construct all internal roadways on the Property, all on-site appurtenances,
21 parking areas, curbing, sidewalks, lighting, storm drainage systems,
22 stormwater management facilities, etc. to accommodate the proposed
23 development pursuant to the Code of the City of Aberdeen and any other
24 applicable requirements.

25 (f) Traffic Impact. Public roads will be impacted by the proposed development of
26 the Property. A Traffic Impact Study will be required and submitted to the
27 City of Aberdeen and Harford County Department of Public Works for review
28 and approvals. The development of the Property must comply with the City
29 of Aberdeen's Adequate Public Facilities Ordinance (APFO) and Harford
30 County's APFO.

1 (g) Trash Service. Trash removal will be provided by the City of Aberdeen after
2 the development of the Property. The phasing and timing for trash removal
3 will be provided for in a subsequent Public Works Agreement with the City of
4 Aberdeen.

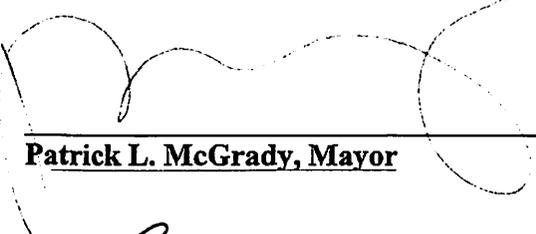
5 (h) Fiscal Impact. Once incorporated into the City of Aberdeen, the annexed land
6 will be subject to Aberdeen real property taxes. Once developed, property
7 values on the property will increase substantially over the current assessment.
8 The estimates indicate that the single-family development will generate
9 annual tax revenue of \$151,312; the villas will generate annual tax revenue of
10 \$127,439; and the apartments will generate annual tax revenue of \$455,140.
11 The total annual tax revenue is \$733,891. These estimates are based on the
12 City's current tax rate of \$0.68/100. Upon future development of the
13 Property, school impact fees, water and sewer connection fees, and utility fees
14 will be assessed. These fees are estimated to cost \$5,502,700.

15 **Section 2. BE IT FURTHER RESOLVED**, by the Mayor and City Council of
16 Aberdeen, that this Annexation Plan shall be open to the public for review and discussion
17 at a public hearing, but amendments to the Annexation Plan may not be construed in any
18 way as an amendment to the Annexation Resolution, nor may they serve in any manner to
19 cause a re-initiation of the annexation procedure now in process.

20 **Section 3. AND BE IT FURTHER RESOLVED**, by the Mayor and City
21 Council of Aberdeen, that a copy of the Annexation Plan shall be provided to Harford
22 County, Maryland, the Harford County Department of Planning and Zoning, and the
23 Maryland Department of Planning at least thirty (30) days prior to holding of the public
24 hearing required by Section 4-415 of the Local Government Article of the Maryland
25 Annotated Code.

26 **Section 4. AND BE IT FURTHER RESOLVED**, by the Mayor and City
27 Council of Aberdeen, that this Resolution shall become effective on the effective date of
28 the Charter Amendment Resolution annexing said property into the corporate limits of
29 the City of Aberdeen.

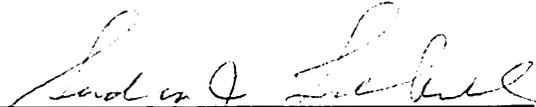
COUNCIL OF THE CITY OF ABERDEEN



Patrick L. McGrady, Mayor



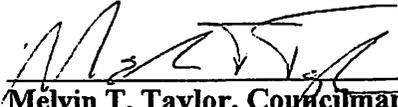
Steven E. Goodin, Councilman



Sandra J. Landbeck, Councilwoman



Timothy W. Lindcamp, Councilman



Melvin T. Taylor, Councilman

ATTEST:

SEAL:



Monica A. Correll, City Clerk

Date: March 11, 2019



CITY OF ABERDEEN

Mr. Patrick S. Vincenti, President
Harford County Council 212 S. Bond Street
2nd Floor
Bel Air, Maryland 21014

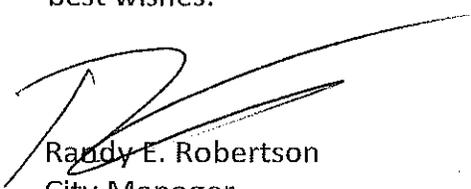
2 October 2020

Dear President Vincenti:

In August 2019, the City Council of Aberdeen adopted an Annexation Resolution for the 75 acres Siebert-Adams Properties. The Resolution became effective on 11 October 2019.

Per Sections 4-416(b) and (c) of the Local Government Article of the Annotated Code of Maryland, the "Express Approval" of the Harford County Council is required for the annexed land to be placed in the City's IBD zoning classification and for the annexed land to be developed immediately, in lieu of the five year waiting period following annexation. In April of this year the City Council asked me to provide you a letter affirming their support for the Harford County Council to waive the five year waiting period. As I understand, between May and September extensive discussions between the developer, Mr. Gil Horwitz, and various stakeholders took place resulting in the proposal that is now attached and will be provided to the Harford County Council next week. The purpose of this letter is to advise of the Aberdeen City Council's support and endorsement of that proposal.

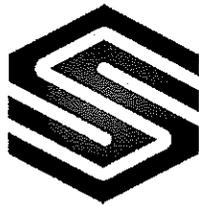
Should you have any questions, the POC is the undersigned. Thank you and best wishes.



Randy E. Robertson
City Manager
Aberdeen

CF:
Mayor & Council
City Clerk/file
Mrs. Grover
Mr. Snee/Mr. Horowitz

Exhibit B



SAGE
VENTURES

September 30th, 2020

City of Aberdeen
Mr. Randy Robertson, City Manager
60 North Parke Street
Aberdeen, MD 21001

Re: Affirmation of Support for Waiver from the Harford County Council for the Gilbert Rd Annexation

Dear Mr. Robertson,

In August 2019, the City Council of Aberdeen adopted an Annexation Resolution for the 75 acres Siebert-Adams Properties. The Resolution became effective on 11 October 2019.

As part of the annexation process two concept plans were presented, the summary of the plans are as follows:

Concept A

This concept showed a mixture of "For Sale Product" and rental product comprised of approximately:

- 49 Single Family Homes
- 56 Villas
- 350 Apartment and Townhome Rental Community

Concept B

This concept only showed "For Sale Product" with no rental component and was comprised of approximately:

- 78 Single Family Homes
- 92 Villas

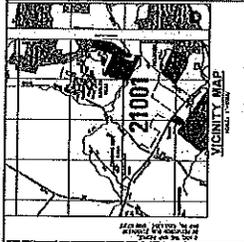
After extensive conversations with Harford County Council members Pat Vincenti, Chad Shrodes and Rob Wagner as well as multiple neighbors, I have decided to pursue the **Concept B Plan**. Given the success of my Eagle's Rest project, the market has shown the strong demand for "For Sale Product". The Concept B plan maximizes the "For Sale Product" and addresses the concerns that were raised with the Concept A plan.

The Harford County Council is scheduled to discuss the Waiver request on Tuesday 10/6/20. In preparation thereof, Mr. Vincenti requested an updated version of letter of affirmation that you wrote on 4/27/20. Please will you be so kind as to provide an updated letter of affirmation.

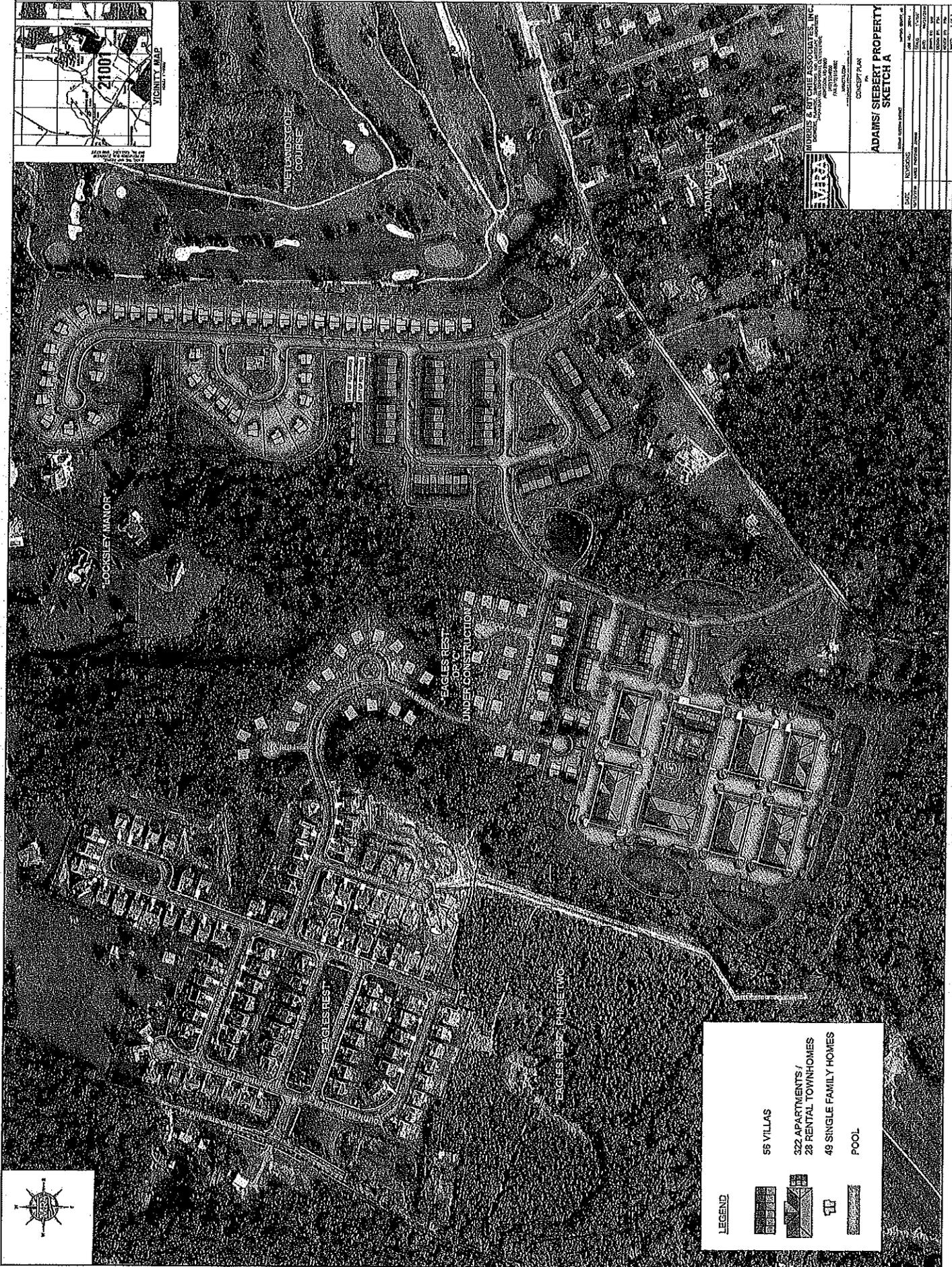
I look forward to a favorable reply.

Sincerely,


SAGE Ventures, LLC
Gil Horwitz

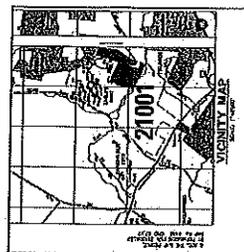


MORRIS & RITCHIE ASSOCIATES, INC. ARCHITECTS	
CONCEPT PLAN	
ADAMS/ SIEBERT PROPERTY SKETCH A	
DATE	NOVEMBER 1992
BY	ARCHITECTS
SCALE	AS SHOWN
PROJECT NO.	ADAMS/ SIEBERT
CLIENT	ADAMS/ SIEBERT
LOCATION	ADAMS/ SIEBERT
STATUS	CONCEPT PLAN



LEGEND

	56 VILLAS
	322 APARTMENTS / 28 RENTAL TOWNHOMES
	49 SINGLE FAMILY HOMES
	POOL

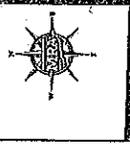


EVERETT

EVERETT & SIBERT CONSULTANTS, INC.
 10000 145th Avenue, NE
 Everett, WA 98201
 Phone: (425) 355-1100
 Fax: (425) 355-1101
 Website: www.everettsibert.com

CONCEPT PLAN
 ADAMS/ SIBERT PROPERTY
 SKETCH B

DATE	10/20/2010	BY	EVERETT
REVISION		BY	
DESCRIPTION		BY	
DATE		BY	
REVISION		BY	
DESCRIPTION		BY	
DATE		BY	
REVISION		BY	
DESCRIPTION		BY	



LEGEND

- 92 VILLAS
- 78 SINGLE FAMILY HOMES